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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,871	12/09/2003	James S. Voss	200314332-1	6843

22879 7590 05/02/2006

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

WHIPKEY, JASON T

ART UNIT PAPER NUMBER

2622

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/732,871

Applicant(s)

VOSS ET AL.

Examiner

Jason T. Whipkey

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 7-12, and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker (U.S. Patent Application Publication No. 2004/0174434).

Regarding **claims 1, 9, and 17**, Walker discloses a digital camera (see figures 5 and 6) comprising:

a user interface (input device 525; see paragraph 90);

processing circuitry (processor 605; see paragraph 91) coupled to the user interface;

a plurality of predetermined profiles (modes shown in Figure 7; see paragraph 113) stored in the camera (in settings database 620; see paragraph 114);

and

firmware (stored in memory 610 on a “computer-readable medium” [see paragraph 91], which is defined in paragraph 72 as, for example, a PROM, EPROM, or flash EEPROM) that runs on the processing circuitry (see paragraph

91) that processes geographic location (obtained using a GPS device; see paragraphs 65 and 226) and time data (see paragraph 224) entered into the camera to select one of the profiles based upon the geographic location and time data (the camera selects a mode for presentation to the user [see paragraphs 113 and 551] and can automatically select a default response and enter the mode; see paragraph 462).

Regarding **claims 2 and 10**, Walker discloses:

the plurality of profiles comprise a plurality of scene profiles (Figure 7 shows that the modes include a sunny beach and a sunset).

Regarding **claims 3 and 11**, Walker discloses:

the plurality of profiles comprise a plurality of illumination source profiles (Figure 7 shows fluorescent and sun modes, which may be detected when a camera changes location; see paragraph 676).

Regarding **claims 4 and 12**, Walker discloses:

the plurality of profiles comprise a plurality of scene profiles and a plurality of illumination source profiles (see Figure 7, which shows different scenes with different white balance values).

Regarding **claims 7 and 15**, Walker discloses:

the firmware is configured to select a scene profile (the camera will suggest and then select one of the modes, such as those shown in Figure 7; see paragraph 551).

Regarding **claims 8 and 16**, Walker discloses:

the firmware is configured to select an illumination profile (the camera will suggest and then select one of the modes, such as those shown in Figure 7; see paragraphs 551 and 554).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 5, 6, 13, 14, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker.

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Claims 5, 13, and 18 may be treated like claims 1, 9, and 17, respectively. Additionally, Walker discloses that the camera includes a GPS receiver for detecting geographic location (see paragraphs 102 and 429). However, Walker is silent with regard to the time data being set using the GPS receiver.

Official Notice is taken that it is well known to use the GPS system to set the time on an electronic device. An advantage of doing so is that a user need not perform the action manually. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Walker's camera receive the time using the GPS receiver.

Claims 6, 14, and 19 may be treated like claims 1, 9, and 17, respectively. Additionally, Walker discloses that a user may manually enter GPS-determined coordinates (see paragraph 65). However, Walker is silent with regard to a user entering the time manually.

Official Notice is taken that it is well known to have a user set the time on an electronic device manually. An advantage of doing so is that expensive automatic circuitry may be omitted from the device. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Walker's camera use the time set manually by the user.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Aoki (U.S. Patent No. 5,086,314) discloses a camera that records latitude, longitude, and time and uses the values to set exposure.

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Shinozaki (U.S. Patent Application Publication No. 2004/0119877) discloses imaging brightness based on the current time and GPS-detected location.

Silverstein (U.S. Patent Application Publication No. 2005/0146622) discloses using time and GPS-detected location to perform color correction.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (571) 272-7321. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:30 P.M. eastern daylight time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz, can be reached at (571) 272-7593. The fax phone number for the organization where this application is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTW

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April 29, 2006


TUAN HO
PRIMARY EXAMINER